

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



Room 1
City Hall

MEETING NOTICE AND AGENDA

The Salem City Council will hold its regular meeting in-person on Thursday, June 9, 2022, at 7:00 P.M. in the Council Chambers, 93 Washington Street, 2nd floor for the purpose of discussing any and all business.

Members of the public may attend in person or remotely via Zoom by going to the website link noted below:

<https://us02web.zoom.us/j/83297950537?pwd=S3dMenRJK0VWeFpWTXdQRWZESTY4QT09>

Password: 471558

Go to the website link: <https://zoom.us/join>. Enter meeting/webinar ID# **832 9795 0537** followed by the meeting password above if directed to do so.

Or Telephone: Participants can dial a toll free number at 877-853-5257 (Toll Free) or 888- 475-4499 (Toll Free). When prompted, enter meeting/webinar ID#: **832 9795 0537** and follow the instructions to join the meeting. For those dialing in, you may press *9 to raise your hand to speak if signed up for public testimony or to participate in the public hearing portion of the agenda (if applicable).

The public may also watch the meeting live on SATV on Channel 22.

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

“When in person, individuals requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.” Assistive Listening System is available for City Council Meetings. Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk’s Office at 978-745-9595 ext. 41200 or jsimons@salem.com.

**“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and
City Ordinance Sections 2-2028 through 2-2033.”**

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 9, 2022 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 7, 2022 at 3:11 P.M. This meeting is being taped and is live on S.A.T.V.

Absent were:

Council President Morsillo presided.

Councillor _____ moved to dispense with the reading of the record of the previous meeting.

VOTED

President Morsillo requested that everyone please rise to recite the Pledge of Allegiance.

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes. Public Testimony is not a public hearing or question and answer period. Public Testimony shall only pertain to Agenda items. Sign up must occur 30 minutes prior to meeting.

How to Sign Up:

Sign the roster in the City Clerk's Office, Room #1 no later than 6:30 P.M. on the date of the meeting or send an email no later than 6:30 PM on the date of the meeting to isimons@saalem.com. Include your name, address, subject matter you wish to speak about, phone number, email address and screen name you will be using. You may participate in Public Testimony remotely or in-person or the Council President may read your comment into the record, if emailed.

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

HEARINGS

NONE

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Mayor’s appointment of Ariana Lema-Driscoll of 30 Celestial Way to the Beautification Committee with a term to expire June 9, 2025.

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Hapworth Held Under the Rules Voted

Mayor’s re-appointment of J. Michael Sullivan of 10 Lee St. to the Design Review Board with a term to expire June 11, 2025.

Action Contemplated

Councillor Riccardi Confirmation by RCV Yea Nay Abs

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Two Hundred Forty-Six Thousand Four Hundred Twenty-Seven Dollars and Eighteen Cents (\$246,427.18) is hereby appropriated and transferred from the “General Fund Balance Reserved for Appropriation – Free Cash” account (1-3245) to the Transit Enhancement Fund as provided in the Cannabis Host Agreements as received to date in Fiscal Year 2022 in accordance with the recommendation of Her Honor the Mayor.

Description	Amount
Transit Enhancement Fund (1%)	\$246,427.18
<div style="text-align: right;">\$246,427.18</div>	

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor McCarthy	Moved Adoption OR Refer to Comm. on Administration & Finance under the rules		Voted
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ORDERED: That the sum of Five Thousand, One-Hundred Twenty-Five Dollars (\$5,125.00) is hereby appropriated in the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the sick leave buybacks to be paid out for active employees pursuant to collective bargaining agreements with various unions in accordance with the recommendation of Her Honor the Mayor.

Councillor	suspension of the rules	Councillor	Object
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Action Contemplated

Councillor McCarthy	Moved Adoption OR Refer to Comm. on Administration & Finance under the rules		Voted
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CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

The following letter from Mayor Driscoll requesting a Committee of the Whole Meeting relative to the Proposed Offshore Wind facility

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am writing to request the City Council schedule a Committee of the Whole meeting in order to receive a presentation from the team developing the proposed offshore wind marshalling facility on Salem Harbor.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem

CC: Seth Lattrell, Harbor Planner/Port Deputy
Bill McHugh, Salem Harbormasters

Action Contemplated

Councillor Morsillo

Moved Adopted

Voted



CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

NONE

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Hapworth

ORDERED: That the City Council reappoint Deb Greel to the Community Preservation Committee with a term to expire on May 23, 2024 be confirmed by a roll call vote

Action Contemplated

Councillor Hapworth	Confirmation by RCV	Yea	Nay	Abs
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Councillor Hapworth

ORDERED: That the City Council reappoint Curtis Dragon to the Tree Commission with a term to expire on June 27, 2025 be confirmed by a roll call vote

Action Contemplated

Councillor Hapworth	Confirmation by RCV	Yea	Nay	Abs
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CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORTS

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Resolution to file and accept Grants with and from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the Land and Water Conservation Fund Grant Program for Improvements to the Forest River Park for the Forest River Outdoor Recreation & Nature Center. (Action unknown meeting held after Agenda Deadline.)

Accept the Report	Voted
Adopt the Recommendation	Voted

COUNCILLOR Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the whole to whom was referred the matter of an Ordinance amending Rates of Use for Water has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report	Voted
Adopt the recommendation	Voted

COUNCILLOR Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the whole to whom was referred the matter of an Ordinance amending Rates of Use for Sewer has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report	Voted
Adopt the recommendation	Voted

COUNCILLOR Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the whole to whom was referred the matter of an Ordinance amending Solid Waste Rates has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report	Voted
Adopt the recommendation	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORTS

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the following Bond Order in the amount of \$5,745,000.00 for Fiscal Year 2023 General Fund Capital Improvement Program in accordance with MGL Ch. 44, has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report Voted

Adopt the recommendation Voted

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the following Bond Order in the amount of \$3,600,000.00 for Fiscal Year 2023 Water/Sewer Capital Improvement Program in accordance with MGL Chapter 44, Section 7 & 8 has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report Voted

Adopt the recommendation Voted

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the appropriation in the amount of \$405,000.00 from Retained Earnings from the Water/Sewer Funds to Capital Improvement Funds (action unknown meeting took place after agenda deadline)

Accept the report Voted

Adopt the recommendation Voted

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of the FY2023 List of Revolving Funds pursuant to MGL Ch. 44 Sec. 53E1/2

Accept the report Voted

Adopt the recommendation Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE - BUDGET

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the whole to whom was referred the matter of an appropriation of \$3,078,020.00 for FY ST Capital Improvement Plan has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report Voted

Adopt the recommendation Voted

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the whole to whom was referred the matter of Fiscal Year 2023 Proposed Five Year CIP 2023 – 2027, has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the report Voted

Adopt the recommendation Voted

COUNCILLOR McCarthy offered the following report for the Committee on Administration and Finance co-posted with Committee of the Whole to whom was referred the matter of Fiscal Year 2023

Accept the report Voted

Mayor’s departmental budget for Fiscal Year 2023

Personnel	\$447,477.00	
Non Personnel Expenses	<u>\$196,200.00</u>	
Total	<u>\$643,677.00</u>	Voted

City Council departmental budget for Fiscal Year 2023

Personnel	\$170,700.00	
Non Personnel Expenses	<u>\$61,350.00</u>	
Total	<u>\$232,050.00</u>	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

City Clerk departmental budget for Fiscal Year 2023

Personnel	\$333,054.00	
Non Personnel Expenses	<u>11,450.00</u>	
Total	\$344,504.00	Voted

Elections & Registration departmental budget for Fiscal Year 2023

Personnel	\$208,879.00	
Non Personnel Expenses	<u>\$ 43,800.00</u>	
Total	\$252,679.00	Voted

Assessing departmental budget for Fiscal Year 2023

Personnel	\$351,052.00	
Non Personnel Expenses	<u>\$57,415.00</u>	
Total	\$408,467.00	Voted

Collector departmental budget for Fiscal Year 2023

Personnel	\$253,791.00	
Non Personnel Expenses	<u>\$8,300.00</u>	
Total	\$262,091.00	Voted

Finance Department budget for Fiscal Year 2023

Personnel	\$368,762.00	
Non Personnel Expenses	<u>\$59,215.00</u>	
Total	\$427,977.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Purchasing Departmental budget for Fiscal Year 2023

Personnel	\$176,346.00	
Non Personnel Expenses	<u>\$ 25,264.00</u>	
Total	\$201,610.00	
Fixed Costs	\$39,181.00	
Total	\$240,791.00	Voted

Treasurer Departmental budget for Fiscal Year 2023

Treasurer		
Personnel	\$277,271.00	
Non Personnel Expenses	<u>\$173,673.00</u>	
Total	<u>\$450,944.00</u>	
Debt Service Expenses	\$7,744,556.49	
Short Term Debt.	\$557,102.51	
Essex NS Agricultural & Technical School	\$2,599,910.00	
State Assessment Expenses	\$9,749,456.00	
Contributory Retirement		
Non- Personnel Services	\$14,429,326.00	
Non-Contributory Retirement	\$10,625.00	
Non-Personnel Services		
Medicare		
Non-Personnel Services	\$1,304,315.00	
Municipal Insurance		
Non-Personnel Expenses	\$373,500.00	
Total	\$37,219,735.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Parking Department budget for Fiscal Year 2023

Personnel	\$1,099,480.00	
Non Personnel Expenses	<u>\$ 463,135.00</u>	
Total	\$1,562,615.00	Voted

Informational Technology Services (ITS) departmental budget for Fiscal Year 2023

Personnel	\$860,507.00	
Non Personnel Expenses	<u>\$16,000.00</u>	
Total	\$876,507.00	
 Fixed Costs	 \$869,400.00	
Total	\$1,745,907.00	Voted

Solicitor – Licensing Departmental budget for Fiscal Year 2023

Personnel	\$467,040.00	
Non Personnel Expenses	<u>\$79,600.00</u>	
Total	\$546,640.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Human Resources Departmental budget for Fiscal Year 2023

Personnel	\$538,894.00	
Non Personnel Expenses	<u>\$31,800.00</u>	
Total	\$570,694.00	
Workmen’s Comp-Non-Personnel	\$539,730.00	
Unemployment Comp-Non-Personnel	\$250,000.00	
Group Insurance-Non-Personnel	\$16,482,273.00	
Total	\$17,842,697.00	Voted

Fire Departmental budget for Fiscal Year 2023

Original	Personnel	\$9,327,343.00	
	Non Personnel Expenses	<u>\$ 545,931.00</u>	
	Total	\$9,873,274.00	

as amended

Personnel	\$9,327,343.00	
Non Personnel Expenses	<u>\$519,243.00</u>	
Total	\$9,846,586.00	Voted

Police Departmental budget for Fiscal Year 2023

Personnel	\$10,878,626.00	
Non Personnel Expenses	<u>\$933,720.00</u>	
Total	\$11,812,346.00	Voted

Harbormaster Departmental budget for Fiscal Year 2023

Personnel	\$368,382.00	
Non Personnel Expenses	<u>\$46,725.00</u>	
Total	\$415,107.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Public Property/ Building/Plumbing/Gas Inspections departmental budget for Fiscal Year 2023

Inspectional Services	
Building, Plumbing, Gas	
Inspector	
Personnel	\$755,628.00
Non Personnel Expenses	<u>\$48,784.00</u>
Total	\$804,412.00

Zoning Board of Appeals	
Non-Personnel Expenses	\$1,200.00

Public Property	
Fixed Costs	\$706,362.00

Total	\$1,511,974.00	Voted
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Health Departmental budget for Fiscal Year 2023

Personnel	\$595,125.00	
Non Personnel Expenses	<u>\$91,639.00</u>	
Total	\$686,764.00	Voted

Electrical Departmental budget for Fiscal Year 2023

Personnel	\$415,670.00	
Non Personnel Expenses	<u>\$439,397.00</u>	
Total	\$855,067.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Planning Departmental budget for Fiscal Year 2023

Personnel	\$640,286.00	
Non Personnel Expenses	<u>\$ 82,570.00</u>	
Total	\$722,856.00	
Conservation Commission		
Personnel	\$29,575.00	
Non Personnel Expenses	<u>\$ 1,413.00</u>	
Total	\$30,988.00	
Planning Board		
Personnel	\$32,996.00	
Non Personnel Expenses	<u>\$3,730.00</u>	
Total	\$36,726.00	
Market & Tourist Commission		
Non Personnel Expenses	\$312,050.00	
Historical Commission		
Personnel	\$32,724.00	
Non Personnel Expenses	<u>\$ 1,020.00</u>	
Total	\$33,744.00	
TOTAL	\$1,136,364.00	Voted

Resiliency and Sustainability Departmental budget for Fiscal Year 2023

Personnel	\$210,957.00	
Non Personnel Expenses	<u>\$ 16,700.00</u>	
Total	\$227,657.00	Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Public Services Departmental budget for Fiscal Year 2023

Public Services			
Personnel		\$1,958,474.00	
Non Personnel Expenses		<u>\$1,719,800.00</u>	
Total		\$3,678,274.00	
 Snow & Ice			
Personnel		\$50,000.00	
Non Personnel Expenses		<u>\$408,935.00</u>	
Total		\$458,935.00	
 TOTAL		 \$4,137,209.00	 Voted

Engineering Departmental budget for Fiscal Year 2023

Engineering			
Personnel		\$158,461.00	
Non Personnel Expenses		<u>\$26,000.00</u>	
Total		\$184,461.00	Voted

Recreation & Community Services Departmental budget for Fiscal Year 2023

Recreation			
Personnel		\$419,057.00	
Non Personnel Expenses		<u>\$401,150.00</u>	
Total		\$820,207.00	
 Golf Course			
Personnel		\$378,521.00	
Non Personnel Expenses		<u>\$239,563.00</u>	
Total		\$618,084.00	
 Witch House			
Personnel		\$181,322.00	
Non Personnel Expenses		<u>\$95,680.00</u>	
Total		\$277,002.00	

Cont'd Next Page

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

Pioneer Village
Non Personnel Expenses \$26,900.00

Winter Island
Personnel \$212,433.00
Non Personnel Expenses \$ 83,850.00
Total \$296,283.00

Charter Street
Personnel \$137,504.00
Non Personnel Expenses \$ 44,900.00
Total \$182,404.00

Total \$2,220,880.00 Voted

Council on Aging Departmental budget for Fiscal Year 2023

Personnel \$515,562.00
Non Personnel Expenses \$105,500.00
Total \$621,062.00

Voted

Library Departmental budget for Fiscal Year 2023

Personnel \$1,110,342.00
Non Personnel Expenses \$372,571.00
Total \$1,482,913.00

Voted

Veterans Services Departmental budget for Fiscal Year 2023

Personnel \$135,842.00
Non Personnel Expenses \$410,800.00
Total \$546,642.00

Voted

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

School Departmental budget for Fiscal Year 2023

Administrative & Expenses		
Total	\$68,747,963.00	Voted

Budget Transfers out of General Fund for Fiscal Year 2023

Total	\$650,000.00	Voted
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TOTAL GENERAL FUND for FISCAL YEAR 2023

(Original)	Total	\$166,839,513.00	
AMENDED	TOTAL	\$166,812,825.00	Voted

SEWER ENTERPRISE FUND for Fiscal Year 2023

Public Services Sewer		
Personnel	\$513,053.16	
Expenses	<u>\$182,295.00</u>	
Total	\$695,348.16	
Engineer - Sewer		
Personnel	\$202,075.67	
Non Personnel Expenses	<u>\$755,450.00</u>	
Total	\$957,525.67	
Treasurer		
Debt Services	\$1,853,792.63	
Short Term Debt Services	\$43,149.83	

Continued Next Page

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMITTEE REPORT ADMINISTRATION AND FINANCE- BUDGET

CONTINUED – WATER ENTERPRISE FUND for Fiscal Year 2023

Total Water Enterprise:

Personnel	\$ 770,638.64
Non Personnel Expenses	<u>\$5,965,624.36</u>
	\$6,736,263.00

TOTAL WATER ENTERPRISE FUND: \$6,736,263.00

Moved Approval by Roll Call Vote YEAS NAYS ABS

C. Moved for immediate reconsideration in the hopes it does not prevail - Denied

TRASH ENTERPRISE FUND for Fiscal Year 2023

Engineering -Trash Enterprise	
Personnel	\$81,063.00
Non personnel Expenses	<u>\$3,940,535.00</u>
Total	\$4,021,598.00

TOTAL TRASH ENTERPRISE FUND: \$4,021,598.00

Moved Approval by Roll Call Vote YEAS NAYS ABS

C. Moved for immediate reconsideration in the hopes it does not prevail - Denied

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The following Order was submitted by the City Solicitor:

Ordered: The Salem City Council has determined, upon the advice of the City Solicitor, that Restaurant Row is not a properly accepted city street. A City Council Order adopted June 27, 1996 accepting Restaurant Row as a public street was not adopted in accordance with City Ordinance and Massachusetts General Laws. The City Clerk is hereby directed to correct the Salem Street Directory to identify Restaurant Row as a street not accepted by the City.

Action Contemplated

Councillor McCarthy	Moved Adoption by RCV	Yea Nay Abs
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The Home Rule Petition submitted by Cathy Hoog The Executive Director of the Salem Housing Authority relative to Bidding Requirements for a Certain Affordable Housing Project in the City of Salem for Lee Fort Terrace (See Back up for Complete Order)

Action Contemplated

Councillor Riccardi	Moved Adoption by RCV OR Refer to the Comm. of Ord., Lic. & Legal Affairs	Yea Nay Abs
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CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

PETITIONS

The Following License Applications:

PUBLIC GUIDES: Rita Parisi 43 Merrimac St., Amesbury
Tova Ueland 37 Lake View Ave., Lynn

SECOND HAND VALUABLES: ecoATM 450 Highland Ave. (inside Walmart), Salem

Action Contemplated

Councillor Riccardi Moved Granted Voted

The Following Drainlayer / Contract Operator License Applications

DRAINLAYERS: Bartlett and Steadman 67R Village St., Marblehead
L.D. Russo, Inc 198 Ayer Rd., Harvard

Action Contemplated

Councillor Riccardi Moved Granted Voted

The Following Claims:

Peck PLLC Atty at Law for Donald Pelletier 10 Post Office Sq, Boston
Linda Huynh 141 Highland Ave., Salem
Kenneth Chiarello 81 Washington St., Salem, MA

Action Contemplated

Councillor Riccardi Moved Referred to Comm. on Ord., Licenses & Voted
Legal Affairs

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

UNFINISHED BUSINESS

Second Passage of a Traffic Ordinance Amending Traffic relative to Handicap Zones

In the Year Two Thousand and Twenty-Two

An Ordinance to amend an Ordinance relative to Traffic

Be it ordained by the City Council of the City of Salem, as follows:

Section I. Chapter 42 Section 50B – Handicap Zones, Limited Time shall be amended by adding:

Riverview Street – One Handicap Parking space to be added on Riverview Street. The space will begin approximately 63 feet from Loring Avenue, running for twenty (20) feet

Section II. This Ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor Varela

Moved Adoption for second passage

Voted

Second Passage of an Ordinance amending Ch. 14 – Business Licenses and Fees Article VIII Sustainable Food Containers and Packaging

In the year Two Thousand and Twenty-Two

An Ordinance to amend an Ordinance relative to Sustainable Food Ware and Packaging

Be it ordained by the City Council of the City of Salem as follows:

Section I. Chapter 14 Business Licenses and Fees is hereby amended by adding the following new Article:

“Article VIII. Sustainable Food Containers and Packaging

Sec. 14-510. Purpose; findings; scope.

Whereas, the City has a duty to protect the health of its citizens and the natural environment;

Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable;

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

UNFINISHED BUSINESS

Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Depart. of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain;

Whereas, expanded polystyrene containers are not part of the City's regular recycling program;

Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses; and

Whereas, the elimination of trash on the ocean floor and floating in the water is our collective responsibility as stewards of Salem's coastline and ocean waters;

Now therefore, the City Council finds that the prohibition on the use of foam polystyrene food and packaging containers by food service establishments and the sale of these products by retail businesses in the City of Salem is a public purpose that protects the public health, welfare and environment, advances solid waste reduction, protects waterways and aids the City in its fight against climate change.

Sec. 14-511. Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

COMPOSTABLE — Bioplastic materials certified to meet the American Society for Testing and Materials International Standards D6400 or D6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

DISPOSABLE FOOD CONTAINER — All food and beverage containers, bowls, plates, trays, cartons, cups, designed for one-time or nondurable uses on or in which any food vendor directly places or packages prepared foods on the food provider's premises or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments, including hospitals, food trucks, grocery stores, institutional food service, temporary food vendors.

FOAM POLYSTYRENE — A nonbiodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene "Styrofoam" is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a No. 6 resin code on the bottom.

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

UNFINISHED BUSINESS

FOOD ESTABLISHMENT — A business or governmental establishment that stores, prepares, packages, serves, vends, or otherwise provides food for consumption, including but not limited to any establishment requiring a permit to operate in accordance with the state food code.

PREPARED FOOD — Any food or beverage packaged or prepared for consumption on the food provider's premises, using any cooking or food preparation technique or provided for further food preparation.

RECYCLE — Refers to material that can be sorted, cleansed, and reconstituted using Salem's curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

RETAIL ESTABLISHMENT — A business establishment engaged in the retail sale of goods directly to consumers.

REUSABLE — Refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor.

Sec. 14-512. Prohibited use and distribution of food ware and packaging.

A. Food establishments are prohibited from dispensing food or beverages to any person in disposable food containers made from foam polystyrene (Styrofoam).

B. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on the premises. Food establishments using any disposable food service ware are strongly encouraged to use biodegradable, compostable, reusable or recyclable food service ware.

C. Retail establishments are prohibited from selling or distributing disposable food and beverage containers made from foam polystyrene (Styrofoam) to customers, e.g. coolers, cups, and plates.

Sec. 14-513. Enforcement; violations and penalties.

A. Fine. Any food or retail establishment which violates any provision of this article or any regulation established by the Board of Health shall be liable for a fine as follows: first offense, warning; second offense, \$100; and subsequent offenses, \$100. Each day a violation continues shall constitute a separate offense.

B. Whoever violates any provision of this article or any regulation established by the Board of Health, which may include an exemption of the provisions of this Ordinance for no more than one year if the Board finds the business has demonstrated that strict application of the specific requirement would cause undue hardship, may be penalized by a noncriminal disposition as provided in MGL c. 40.

CITY OF SALEM
JUNE 9, 2022
CITY COUNCIL REGULAR MEETING

UNFINISHED BUSINESS

C. This article shall be enforced by the Health Agent or their designee.

Sec. 14-514. Severability.

Each separate provision of this article shall be deemed independent of all other provisions herein, and if any provision of this article be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this article shall remain valid and enforceable.

Sec. 14-515. Effective date.

This article shall take effect one year after first passage.”

Section II. This ordinance shall take effect one year after first passage.

Action Contemplated

Councillor Varela

Moved Adoption for second passage

Voted

On the motion of Councillor

the meeting adjourned at

P.M.